



**MEMORANDUM**

December 26, 2015

To: John Stein  
Vice President for Student Life and Dean of Students

From: G. P. "Bud" Peterson  
President

Re: Georgia Tech Student Conduct Process

In my previous memo dated December 23, 2015, I requested that you and Vice President Pat McKenna address the findings of the working group I had asked to review the Institute's processes and policies for investigating and resolving violations of the Institute's Student Code of Conduct. In their report, a copy of which is attached, the working group identified several issues.

In reviewing the recent cases, it would appear that two of the issues identified in the working group report may have had an impact on the most recent Phi Delt case. The first of these was that when the sanction of "Suspension Held in Abeyance" is imposed under our current policy and there is a subsequent violation, there is no opportunity for appeal of the suspension. The second is that for a case where a perception of bias on the part of the Appellate Officer might exist, there is no mechanism for relief.

In the most recent Phi Delt case, it appears that the confluence of these two issues currently exists. Therefore, in order to preserve the integrity of the student conduct process, I feel that without implying that any bias actually existed, is necessary to revisit the decision process. To this end, I have decided to entertain an appeal as if it were a case of suspension or expulsion<sup>1</sup>.

Given that the Appeal Procedures provide:

*... the Student may, after an appeal to the Dean of Students, appeal to the Institute President, via the Vice President for Student Affairs. The Vice President for Student Affairs will review and make a recommendation to the Institute President. The Institute President's decision will be the final decision of the Institute.*

Of special concern here is the perception of bias because of your dual role as Dean of Students and Vice President for Student Affairs. As a result, for this particular case, I am appointing an

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<sup>1</sup> I will also entertain an appeal from the decision of the Appellate Officer in other cases of suspension in abeyance upon specific evidence of a bias of the hearing officer or the Appellate Officer.



# Georgia Institute of Technology

Office of the President

Independent, third party to act in place of you in your role as Vice President for Student Affairs, to review the appeal and make a recommendation to me.

This individual, to be identified by me, will be instructed to review the appeal in accordance with the Appeal Procedures as stated in the policy as:

*The appeal process is not intended to grant a new hearing at a higher level. An appeal shall be limited to a review of the record of the initial hearing, supporting documents, and the Accused's written appeal. The Accused must explicitly state why he or she believes an appeal is warranted. Appeals will only be considered for the following reasons:*

- a. To determine whether the original hearing was conducted fairly and in conformity with prescribed procedures;*
- b. To determine whether there was sufficient evidence to support the decision;*
- c. To determine whether the Sanctions and Supplementary Requirements imposed were appropriate for the violation for which the Student was found responsible; and/or*
- d. To determine whether new Information, not available at the time of the hearing, is relevant to the final decision.*

Per the Appeal Procedures, actions that may be recommended include:

- a. dismiss the appeal for failure to state valid reasons, in accordance with Section G.1.*
- b. find no error and uphold the original decision;*
- c. uphold the original decision, but modify Sanctions and Supplementary Requirements;*
- d. remand the case to a Student Conduct Administrator or Student Conduct Panel; or*
- e. reverse the original decision.*

Please advise all parties involved in this particular case, that I have determined that they may appeal this case per the existing Appeal Procedures, as outlined in Section G. of the Student Code of Conduct, with the exception of the independent third party as noted above.

The review and recommendation of the third party will be transmitted to me, and I will remain responsible for issuing the final decision of the Institute.

Thank you once more for your attention to this matter.

xc: P. McKenna, Vice President for Legal Affairs

Georgia Institute of Technology  
Atlanta, Georgia 30332-0325 U.S.A.  
PHONE 404-894-5051  
FAX 404-894-1277